

# REAUTHORIZATION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM

OCTOBER 16, 2001.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. THOMAS, from the Committee on Ways and Means,  
submitted the following

## R E P O R T

together with

## ADDITIONAL VIEWS

[To accompany H.R. 3008]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 3008) to reauthorize the trade adjustment assistance program under the Trade Act of 1974, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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## I. INTRODUCTION

### A. PURPOSE AND SUMMARY

H.R. 3008 amends Chapter 2 of the Trade Act of 1974 for the purpose of reauthorizing trade adjustment assistance programs without change through September 30, 2003.

### B. BACKGROUND

#### *Trade Adjustment Assistance Program for workers*

The general TAA program for workers (sections 221–250 of the Trade Act of 1974, as amended) consists of trade readjustment allowances (TRAs), employment services, training and additional TRA allowances while in training, and job search and relocation allowances for certified workers. The program is administered by the Employment and Training Administration (ETA) of the Department of Labor (DOL) through state agencies under cooperative agreements between each state and DOL. ETA processes petitions and issues certifications or denials of petitions by groups of workers for eligibility to apply for TAA. The state agencies act as federal agents in providing program information, processing applications, determining individual worker eligibility for benefits, issuing payments, and providing reemployment services and training opportunities.

Certification of individual workers involves a two-step process: (1) certification by the Secretary of Labor that a petitioning group of workers in a particular firm is eligible to apply; and (2) approval by the state agency administering the program that the application for benefits of an individual worker is covered by a certification. The process is initiated when a group of three or more workers, their union, or authorized representative files a petition with the ETA for certification of group eligibility. The Secretary then must determine whether the following three conditions are met:

- (1) A significant number or proportion of the workers in the firm or subdivision of the firm have been or are threatened to be totally or partially laid off;
- (2) Sales and/or production of the firm or subdivision have decreased absolutely; and
- (3) Increased imports of articles like or directly competitive with articles produced by the firm or subdivision of the firm have “contributed importantly” to both the layoffs and the decline in sales and/or production.

The maximum amount of basic TRA benefits payable to a worker for the period covered by any certification is 52 times the TRA payable for a week of total unemployment minus the total amount of Unemployment Insurance (UI) benefits to which the worker was entitled in the benefit period when the first qualifying separation occurred. UI and TRA payments combined are limited to a maximum 52 weeks in all cases involving extended compensation benefits (e.g., a worker receiving 39 weeks of UI regular and extended benefits could receive a maximum of 13 weeks of basic TRA benefits). TRA benefits are not payable to workers participating in on-the-job training. A worker is eligible for TRA benefits during the 104-week period that immediately follows the week in which a total qualifying separation occurs.

A worker may receive up to 26 additional weeks of TRA benefits after collecting basic benefits (up to a total maximum of 78 weeks) if that worker is participating in approved training. To receive the additional benefits, the worker must apply for the training program within 210 days after certification or first qualifying separation, whichever date is later. Additional benefits may be paid only during the 26-week period that follows the last week of entitlement to basic TRA, or that begins with the first week of training if the training begins after the exhaustion of basic TRA.

Training and other employment services and job search and relocation allowances are available through state agencies to certified workers whether or not they have exhausted UI benefits and become eligible for TRA payments. Employment services consist of counseling, vocational testing, job search and placement, and other supportive services provided for under any other federal law.

Supplemental assistance is available to defray reasonable transportation and subsistence expenses for separate maintenance when training is not within the worker's commuting distance. Job search and relocation allowances are available to certified workers who cannot obtain suitable employment within their commuting area, are laid off, and who apply within 1 year after certification or last total layoff, whichever is later, or within 6 months after concluding training.

Relocation allowances are available to certified workers laid off at time of relocation who have been able to obtain an offer of or actual suitable employment outside their commuting area. The allowance is equal to 90 percent of reasonable and necessary expenses for transporting the worker, family, and household effects, plus a lump sum payment of three times the worker's average weekly wage, up to a maximum amount of \$800.

The states are reimbursed from Treasury general revenues for benefit payments and other costs incurred under the program. For fiscal year 2001, \$342 million has been appropriated for trade adjustment assistance.

#### *The NAFTA Worker Security Act*

Subchapter D of Chapter 2 (section 250) of Title II of the Trade Act of 1974 establishes a transitional adjustment assistance program under the North American Free Trade Act (NAFTA-TAA) for workers who may be adversely impacted by the NAFTA. Import-impacted workers may also petition for assistance under TAA but cannot obtain benefits under both programs.

A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) are to be certified as eligible to apply for adjustment assistance if the Secretary determines that a significant number or proportion of the workers in the firm or subdivision of the firm have become or are threatened to become totally or partially separated, and either:

- (1) Sales and/or production of the firm or subdivision have decreased absolutely, imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and the increase in imports contributed importantly to the workers' separation or threat of separation and to the decline in the sales or production of the firm or subdivision; or

(2) There has been a shift in production by the workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles produced by the firm or subdivision.

A group of workers or their union or other duly authorized representative may file a petition for certification of eligibility to apply for NAFTA-TAA benefits with the governor of the state in which the workers' firm or subdivision is located. Upon receipt of the petition, the governor must notify the Secretary of Labor. Within 10 days thereafter, the governor must make a preliminary finding as to whether the petition meets the certification criteria and transmit the petition, together with a statement of the finding and reasons, to the Secretary of Labor for action. If the preliminary finding is affirmative, the governor will ensure that rapid response and basic readjustment services authorized under other federal laws are made available to the workers.

Within 30 days after receiving the petition, the Secretary of Labor must determine whether the petition meets the certification criteria. Upon an affirmative determination, the Secretary will issue to workers covered by the petition a certification of eligibility to apply for comprehensive assistance. Upon denial of certification, the Secretary will review the petition to determine if the workers meet the requirements of the TAA program for certification.

Certified workers under the NAFTA program receive employment services, training, trade readjustment allowances, and job search and relocation allowances in the same manner and to the same extent as workers covered under a TAA certification, with the following restrictions:

(1) The total amount of payments for training costs for any fiscal year may not exceed \$30 million;

(2) The Secretary of Labor cannot waive the training requirement with respect to payments under NAFTA-TAA; and

(3) To receive TRA benefits, the worker must be enrolled in a training program approved by the Secretary by the later of the last day of the 16th week of the worker's initial UI benefit period or the last day of the 6th week after the week in which the Secretary issues a certification covering the worker. In extenuating circumstances, the Secretary may extend the time for enrollment for not more than 30 days.

The NAFTA-TAA program took effect on January 1, 1994, the date the NAFTA entered into force for the United States. For fiscal year 2001, \$54 million has been appropriated for NAFTA transitional adjustment assistance.

#### *Trade Adjustment Assistance Program for firms*

Sections 251 through 264 of the Trade Act of 1974, as amended, contain the procedures, eligibility requirements, benefits and their terms and conditions, and administrative provisions of the trade adjustment assistance program for firms adversely impacted by increased import competition. The program is administered by the Economic Development Administration within the Department of Commerce. Amendments in 1986 eliminated financial assistance (direct loan or loan guarantee) benefits, increased government participation in technical assistance, and expanded the criteria for firm certification.

Program benefits consist exclusively of technical assistance for petitioning firms which qualify under a two-step procedure: (1) certification by the Secretary of Commerce that the petitioning firm is eligible to apply; and (2) approval by the Secretary of Commerce of the application by a certified firm for benefits, including the firm's proposal for economic adjustment. To certify a firm as eligible to apply for adjustment assistance, the Secretary must determine that three conditions are met:

- (1) A significant number or proportion of the workers in the firm have been or are threatened to be totally or partially laid-off;
- (2) Sales and/or production of the firm have decreased absolutely, or sales and/or production that accounted for at least 25 percent of total production or sales of the firm during the 12 months preceding the most recent 12-month period for which data are available have decreased absolutely; and
- (3) Increased imports of articles like or directly competitive with articles produced by the firm have "contributed importantly" to both the layoffs and the decline in sales and/or production.

A certified firm may file an application with the Secretary of Commerce for trade adjustment assistance benefits at any time within two years after the date of the certification of eligibility. The application must include a proposal by the firm for its economic adjustment. The Secretary may furnish technical assistance to the firm in preparing its petition for certification and/or in developing a viable economic adjustment proposal. The Secretary approves the firm's application for assistance only if he determines that its adjustment proposal (a) is reasonably calculated to make a material contribution to the economic adjustment of the firm; (b) gives adequate consideration to the interests of the workers in the firm; and (c) demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.

The Secretary of Commerce also may provide technical assistance of up to \$10 million annually per industry to establish industry-wide programs for new product or process development, export development, or other uses consistent with adjustment assistance objectives. The assistance may be furnished through existing agencies, private individuals, firms, universities, and institutions, and by grants, contracts, or cooperative agreements to associations, unions, or other non-profit organizations of industries in which a substantial number of firms or workers have been certified.

Funds to cover all costs of the program are subject to annual appropriations to the EDA of the Department of Commerce from general revenues. For fiscal year 2001, \$10 million was appropriated for the program.

### C. LEGISLATIVE HISTORY

#### *Committee action*

H.R. 3008 was introduced on October 3, 2001, by Representatives Nancy Johnson, Jennifer Dunn, and Phillip English and was referred to the Committee on Ways and Means. On October 5, 2001, the Committee ordered favorably reported H.R. 3008 to the House of Representatives by voice vote.

*Legislative hearing and oversight*

The Committee held no hearing on reauthorization of the trade adjustment assistance programs. Numerous investigations by the U.S. General Accounting Office have been conducted on trade adjustment assistance programs in the past year. These investigations discuss the limitations of federal assistance, specifically, experiences of trade-impacted communities, the impact of assistance on firms, and the need for improvements to the trade assistance programs.

**II. EXPLANATION OF THE PROVISION***Present law*

Section 245 of the Trade Act of 1974, as amended (19 U.S.C. 2317), authorizes appropriations to the Department of Labor for the period beginning October 1, 1999 through September 30, 2001, of such sums as may be necessary to administer the general TAA and NAFTA-related TAA programs of Chapter 2 of Title II of that Act. Section 250(d)(2) of the Trade Act of 1974 caps the funding for NAFTA training programs for the period at \$30,000,000.

Section 256 of the Trade Act of 1974, as amended (19 U.S.C. 2346(b)), authorizes appropriations to the Department of Commerce for the period beginning October 1, 1999, through September 30, 2001, of such sums as may be necessary to administer the TAA for firms program (Chapter 3 of Title II of the Trade Act of 1974, as amended).

*Explanation of the provision*

The provision reauthorizes the three trade adjustment assistance programs by striking the termination date in the several statutory provisions of September 30, 2001, and replacing it with the new termination date of September 30, 2003. The provision makes no changes to the program.

*Effective date*

The provision would take effect on October 1, 2001.

**III. VOTES OF THE COMMITTEE**

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following statements are made concerning the votes of the Committee on Ways and Means in its consideration of H.R. 3008.

**MOTION TO REPORT THE BILL**

H.R. 3008, was ordered favorably reported without an amendment by voice vote and with a quorum being present.

**IV. BUDGET EFFECTS****A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS**

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of this resolution, H.R. 3008 as

reported: The Committee agrees with the estimate prepared by CBO which is included below.

B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX  
EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that enactment of H.R. 3008 would have no effect on revenues.

C. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET  
OFFICE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, requiring a cost estimate prepared by the Congressional Budget Office, the following report prepared by CBO is provided.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 12, 2001.*

Hon. WILLIAM "BILL" M. THOMAS,  
*Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.*

DEAR MR. THOMAS: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3008, a bill to reauthorize the Trade Adjustment Assistance program under the Trade Act of 1974.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Sadoti.  
Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3008—A bill to reauthorize the Trade Adjustment Assistance  
under the Trade Act of 1974*

Summary: H.R. 3008 would extend the Trade Adjustment Assistance (TAA) programs for workers and for firms through fiscal year 2003. These programs expired at the end of fiscal year 2001. Relative to current law, extending those programs would cost about \$400 million a year for 2002 and 2003. However, the costs of extending TAA are assumed in CBO's estimates of baseline spending. Thus, enacting H.R. 3008 would have no effect on direct spending relative to the baseline.

The bill also would authorize grants in 2002 and 2003 for trade adjustment assistance. Assuming appropriation of the necessary amounts, CBO estimates that making such grants would cost \$18 million over the 2002–2006 period.

H.R. 3008 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Under voluntary agreements with the Secretary of Labor, states administer the trade adjustment assistance and transitional adjustment assistance programs in a manner similar to that of their unemployment insurance programs. Benefits for those programs are funded entirely by the Federal government.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3008 is shown in the following table. The cost of this legislation falls within budget functions 450 (community and regional development), 500 (education, training, employment, and social services), and 600 (income security).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION <sup>1</sup>						
Trade adjustment assistance for firms:						
Estimated authorization level .....	10	10	0	0	0	0
Estimated outlays .....	1	3	4	5	5	0

<sup>1</sup> Although authorization for the TAA program expired at the end of fiscal year 2001, the costs of extending it are assumed in baseline as required under section 257 of the Balanced Budget and Emergency Deficit Control Act. H.R. 3008 would not increase costs relative to those already assumed in baseline: approximately \$400 million a year for 2002 and 2003.

### *Basis of estimate*

For this estimate, CBO assumes that H.R. 3008 will be enacted by November 1, 2001, and that the authorized amounts will be appropriated for each year.

#### *Spending subject to appropriation*

H.R. 3008 would authorize the Economic Development Administration (EDA) to make grants to firms for trade adjustment assistance and authorize the appropriation of such sums as necessary in 2002 and 2003 for such grants. Based on information from EDA, CBO estimates that this provision would authorize the appropriation of \$10 million in fiscal years 2002 and 2003 and would cost \$18 million over the five-year period.

#### *Direct spending*

H.R. 3008 also would extend TAA and NAFTA TAA for workers through 2003. These programs extended unemployment compensation and training benefits for workers who lose their jobs as a result of increases in imports. CBO estimates that these programs would cost about \$400 million each year—about two-thirds of which would be extended unemployment benefits, with the remaining third in training benefits. The costs of these programs are assumed in baseline according to the rules established by the Balanced Budget and Emergency Deficit Control Act.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Such procedures would apply to H.R. 3008 because it would extend TAA and NAFTA TAA. However, because that spending is already included in baseline projections, there is not additional cost for pay-as-you-go purposes.

Estimated impact on State, local, and tribal governments: H.R. 3008 contains no intergovernmental mandates as defined in UMRA. Under voluntary agreements with the Secretary of Labor, States administer the trade adjustment assistance and transitional adjustment assistance programs in a manner similar to that of their unemployment insurance programs. Benefits for those programs are funded entirely by the federal government.

Estimated impact on the private sector: This bill contains no private-sector mandates as defined in UMRA.



Estimate prepared by: Federal spending: Christina Hawley Sadoti; impact on State, local, and tribal governments: Leo Lex; impact on the private sector: Ralph Smith.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## **V. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE**

### **A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS**

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives (relating to oversight findings), the Committee, based on information from the Administration, concluded that it is appropriate and timely to consider the resolution as reported.

### **B. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES**

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the Administration has in place program goals and objectives, which have been reviewed by the Committee. The Committee finds that the Administration goals regarding reemployment of trade-displaced workers are reasonable and being met. The Committee also notes the Administration's comment that there is substantial State involvement in implementing the programs, and the ability of the Administration to assess program goals and objectives depends upon data collection and reporting systems established by the States.

### **C. CONSTITUTIONAL AUTHORITY STATEMENT**

With respect to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, relating to Constitutional Authority, the Committee states that the Committee's action in reporting the bill is derived from Article 1 of the Constitution, Section 8 ("The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and to provide for \* \* \* the general Welfare of the United States.")

## **VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### **TRADE ACT OF 1974**

\* \* \* \* \*

## **TITLE II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION**

\* \* \* \* \*

## CHAPTER 2—ADJUSTMENT ASSISTANCE FOR WORKERS

\* \* \* \* \*

### PART II—TRAINING, OTHER EMPLOYMENT SERVICES, AND ALLOWANCES

\* \* \* \* \*

### Subchapter C—General Provisions

\* \* \* \* \*

#### SEC. 245. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Labor, for the period beginning [October 1, 1998, and ending September 30, 2001,] *October 1, 2001, and ending September 30, 2003*, such sums as may be necessary to carry out the purposes of this chapter, other than subchapter D.

(b) SUBCHAPTER D.—There are authorized to be appropriated to the Department of Labor, for the period beginning [October 1, 1998, and ending September 30, 2001,] *October 1, 2001, and ending September 30, 2003*, such sums as may be necessary to carry out the purposes of subchapter D of this chapter.

\* \* \* \* \*

### Subchapter D—NAFTA Transitional Adjustment Assistance Program

#### SEC. 250. ESTABLISHMENT OF TRANSITIONAL PROGRAM.

(a) \* \* \*

\* \* \* \* \*

(d) COMPREHENSIVE ASSISTANCE.—Workers covered by certification issued by the Secretary under subsection (c) shall be provided, in the same manner and to the same extent as workers covered under a certification under subchapter A, the following:

(1) Employment services described in section 235.

(2) Training described in section 236, except that notwithstanding the provisions of section 236(a)(2)(A), the total amount of payments for training under this subchapter for the period beginning [October 1, 1998, and ending September 30, 2001] *October 1, 2001, and ending September 30, 2003*, shall not exceed \$30,000,000 for any fiscal year.

\* \* \* \* \*

## CHAPTER 3—ADJUSTMENT ASSISTANCE FOR FIRMS

\* \* \* \* \*

#### SEC. 256. DELEGATION OF FUNCTIONS TO SMALL BUSINESS ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS.

(a) \* \* \*

(b) There are hereby authorized to be appropriated to the Secretary for the period beginning **【October 1, 1998, and ending September 30, 2001】** *October 1, 2001, and ending September 30, 2003*, such sums as may be necessary to carry out his functions under this chapter in connection with furnishing adjustment assistance to firms (including, but not limited to, the payment of principal, interest, and reasonable costs incident to default on loans guaranteed by the Secretary under the authority of this chapter), which sums are authorized to be appropriated to remain available until expended.

\* \* \* \* \*

## CHAPTER 5—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 285. TERMINATION.

(a) \* \* \*

\* \* \* \* \*

(c)(1) Except as provided in paragraph (2), no assistance, vouchers, allowances, or other payments may be provided under chapter 2, and no technical assistance may be provided under chapter 3, after September 30, **【2001】** *2003*.

(2)(A) Except as provided in subparagraph (B), no assistance, vouchers, allowances, or other payments may be provided under subchapter D of chapter 2 after September 30, **【2001】** *2003*.

\* \* \* \* \*

## VII. ADDITIONAL VIEWS

The trade adjustment assistance programs (TAA)—TAA for workers, North American Free Trade Agreement-TAA, and TAA for firms—are crucially important to America’s workers and businesses. The TAA programs are integral pieces to a coherent trade policy. There are net benefits for society as a whole in expanded trade; it may also impose concentrated costs on workers and businesses in sectors that are adversely affected by increased imports. It is just plain irresponsible trade, economic, and social policy to ignore the needs of those farmers, workers, businesses, and communities adversely impacted by expanded trade. This is why it is important to shape our trade policies. It is also why there needs to be a truly effective Trade Promotion Authority.

Although the current TAA programs have helped many workers and businesses adjust to the impacts of expanded trade, they have been seriously inadequate in many ways. The existing TAA eligibility requirements have not kept up with the changing times. TAA covers too few workers and fails to address major problems that workers and communities face. In the last year, the General Accounting Office released two reports on the TAA programs, including one this August, which identified structural and implementation problems that impede the effectiveness of the programs.

In the face of these known deficiencies in the programs, Congress should pursue serious reform and needed enhancement. Among other improvements, Congress should expand the eligibility requirements so that a broader array of those impacted by trade are covered (including “secondary” workers, workers dislocated because their firm has moved production offshore, farmers, and truckers), fill in the existing gap in duration between income supports and training, provide greater coordination with other support services, provide ways to help workers retain their health insurance, establish a limited wage insurance program for older workers who need it most, and establish a program to help communities most impacted by trade to get back on their feet.

The change in immediate national priorities in the wake of the tragic and despicable events of September 11th has made it difficult for Congress to bring the needed focus on significant reform of the TAA programs this year. We support H.R. 3008 because the TAA programs need to be extended in the short term to ensure that benefits to impacted workers and firms are not cut off. We do not view this extension as an excuse to ignore the problems in the TAA programs, however, we will push for necessary reforms in weeks to come. The Chairman assured us that there would be an opportunity to do so, and we will pursue actively such opportunity.

SANDER LEVIN.  
ROBERT T. MATSUI.  
RICHARD E. NEAL.  
CHARLES B. RANGEL.  
JOHN LEWIS.  
EARL POMEROY.  
XAVIER BECERRA.

